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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,418	03/01/2004	Paolo Veglio	9562	1478

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EXAMINER

EVANS, CHIVONNE LAURIE

ART UNIT PAPER NUMBER

3761

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/790,418

Applicant(s)

VEGLIO ET AL.

Examiner

Chivonne L. Evans

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3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to applicant's amendment filed on 10/20/2005.

#### ***Claim Objections***

1. Claim 15 objected to because of the following informalities: refers to "sanitary napkin of Claim 15" rather than appropriate claim reference. Appropriate correction is required.
2. Claim 19 is objected to because of the following informalities: redundant Claim 17. Claim 19 should be cancelled or amended.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-8, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobrin (5843066). Dobrin (5843066) discloses a disposable absorbent article (Column 1, Line 66), whereas a sanitary napkin is a disposable absorbent pad used to absorb the flow from the uterus, that has a liquid pervious, hydrophobic, nonwoven, bio-component topsheet (Column 5, Lines 26- 38), a laminate backsheet with a liquid and air pervious, hydrophobic, spun-bonded, nonwoven outer layer (Column 7, Lines 31-53), which comprises of polymer fibers, that forms the outer periphery (Column 7, lines 22-23) of absorbent article and a hydrophilic absorbent core

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(Column 4, 46) in between said topsheet and backsheet. The said backsheet also has an inner layer (fluid impermeable barrier) positioned between the absorbent core and the outer cover (Column 2, Lines 9-18), which is coterminous with core periphery.

Dobrin discloses that the topsheet and the backsheet are joined to each other in absorbent article outer periphery (Column 5, Lines 18-19) and the absorbent core is joined topsheet as well. Dobrin also teaches that the fluid impermeable barrier (inner layer) is a polymer film (Column 7, Lines 61-64). The absorbent article taught by Dobrin, is in an hourglass shape as shown in Figure 1 with a core comprised of superabsorbent material (Column 4, Line 42). Also, Dobrin expressly teaches a sanitary napkin (feminine hygiene garments- which a pantiliner is a feminine hygiene garment, Column 2, lines 60-67) Dobrin does not expressly disclose that the garment-facing surface of the sanitary napkin has a pressure sensitive adhesive for affixing to an undergarment. It would have been obvious to one of ordinary skill that pressure sensitive adhesive are applied to the garment facing surface of sanitary napkins to secure the liner to the undergarment as supported by Ahr (5800418, Column 27, lines 49-61).

5. Claims 6, 10, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobrin (5843066) in view of Ahr (5800418). Dobrin discloses all of the claimed material except Dobrin does not disclose a pantiliner with an oval shape, carded airlaid absorbent core made of nonwoven material having fibrous AGM. Ahr teaches a pantiliner (Column 25, line 21) with an air-laid, webbed absorbent core composed of hydrophilic nonwoven material, whereas the material is non-woven

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because the absorbent composite is prepared by physically associating AGM with treated cellulosic fibers (Column 2, Lines 49-53). The absorbent core is formed via a fiber opening or individualizing (carding) and air-laying process (Column 16, Line 26-Column 17, Line 14) in order to produce a core consisting essentially of an absorbent composite (AGM) or a structure having the absorbent composite located or dispersed in hydrophilic cellulosic fibers. The absorbent core that Ahr teaches is in an oval shape (Column 22, Lines 28) to fit within the periphery of a typical pantiliner, with a non-woven, spunbonded topsheet (Column 24, 12-15) to permit liquids to penetrate through its thickness onto the absorbent core. Ahr teaches that the pantiliner is attached via a pressure sensitive adhesive to the undergarment (Column 27, lines 49-61). One of ordinary skill in the art would have been motivated to modify the absorbent core of Dobrin to have both absorbent gelling material and hydrophilic fibers as taught by Ahr since Ahr discloses that having an absorbent core with AGM and a hydrophobic spunbonded topsheet will allow fluids to pass through onto the absorbent core therefore preventing fluid build up on the topsheet, shaped in a manner in which the core will properly fit in the periphery (to prevent discomfort) of an absorbent article such as a pantiliner. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Dobrin's invention by Ahr's to produce a highly absorbent core composed of both absorbent gelling material and hydrophilic fibers with a topsheet that will allow fluids to pass through onto the absorbent core therefore preventing fluid build up on the topsheet, shaped in a manner in which the core will

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properly fit in the periphery (to prevent discomfort) of an absorbent article such as a pantiliner.

6. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Dobrin in view of Ahr as applied to claims 6, 10, and 16-19 above, and further in view of Melius (6646179). Combined teaching of Dobrin and Ahr disclose an absorbent core, characteristics of which are described in paragraph 6 of this action, with a varying 2-98 wt% of AGM fiber content, however, Dobrin and Ahr lack the basis weight of absorbent core of 50-100 gsm as claimed by the applicants. Melius teaches an absorbent core with a basis weight of 50-1000 gsm relative to its application, such as in the claimed pantiliner, to absorb and retain bodily discharge. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Dobrin in view of Ahr teachings with Melius' teachings to provide an absorbent article with an adequate amount of absorbent core in order to readily receive bodily fluids. The examiner also takes Official Notice that it is well known in the art to vary the wt% of AGM fiber content and the weight of the absorbent core itself to achieve maximum absorbency in an article while maintaining a minimal thickness to ensure comfort of the wearer. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide Ahr's pantiliner with the specified wt% of AGM and weight of the absorbent core.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1<sup>-20</sup> have been considered but are moot in view of the new ground(s) of rejection.

The applicant's arguments with regards to claim 1 are that "Dobrin's disclosure is unambiguously teaching a disposable diaper..." However, as discussed above, Dobrin's absorbent article, which he defines "absorbent article" as a device, which absorbs and contain body exudates placed against or in proximity to the body, is applicable to other absorbent articles such as a liner or feminine hygiene garments. Applicant also amended claim 1 to include a pressure sensitive adhesive, whereas Ahr teaches that is known in the art to provide such a means for attaching a pantiliner to an undergarment. Applicant argues that it is not obvious to combine Dobrin and Ahr, however, the process of making and the shape of the absorbent core as disclosed by Ahr will prevent bodily fluid back flow onto the topsheet due to a faster fluid intake rate and will ensure a shape that is comfortable to the user, although varying the shape of a pantiliner is also well know in the art. Also, although there is not a question of how sufficient Ahr core is, Ahr does not disclose the specific values of weight ratios that are claimed in the application. Melius reveals these weight ratios, which it is well known in the art to vary the wt% of AGM fiber content and the weight of the absorbent core itself to achieve maximum absorbency, therefore it would have been obvious for Ahr to vary the ratio until the most efficient rate of absorbency is achieved in the absorbent article.

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chivonne L. Evans whose telephone number is 571-272-8686. The examiner can normally be reached on between 6:30-3:30, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Chivonne L Evans  
Examiner  
Art Unit 3761

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TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

